THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:15619 of 2007

DATED:26-07-2007

BETWEEN:

Vasam Hanumaiah.

..... PETITIONER

AND

The Agent to Government,
Khammam & 6 others.

.....RESPONDENTS

-
-
-

ORDER:

Heard learned counsel appearing for the petitioner; learned Government Pleader for Social Welfare; and the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction of the 2nd respondent in passing appropriate order either on the stay petition or on the appeal filed by the petitioner on 01-05-2007 before the 1st respondent which was transferred on 31-05-2007 to the 2nd respondent against the order of eviction passed by the 3rd respondent, dated
12-04-2007, as illegal and arbitrary.

3. It is the case of the petitioner that on a petition filed by the respondents 5 and 6, belonging to Scheduled Tribe community who are organizing Girijana Samakya Sangam at Bhadrachalam, stating that plot No.348 situated in the scheduled area belongs to the Government, and the said land was occupied by the 7th respondent-non tribal, and the same was again sold away to another non tribal and some shops were constructed and allotted to ITI Principal and Correspondent, Chava Lazxminarayana i.e., the 7th respondent who is a non tribal. As such, the land in possession of a non tribal is illegal and hit by Regulation 1/59 as amended by Regulation 1/70. Accordingly, 3rd respondent-Agency

Divisional Officer, Bhadrachalam in L.T.R.Case No.1/BCM/2006, dated 12-04-2007 while disallowing the implead application and the claim of the petitioner herein claiming the said property, ordered eviction of the petitioner, and the 7th respondent to take possession of the said land and allot the same to the original tribals. Aggrieved by the said order petitioner filed an appeal before the 1st respondent-Agent to the Government on 01-05-2007 and the 1st respondent transferred C.M.A.No.24 of 2007 to the 2nd respondent-Additional Agent to the Government/Project Officer, ITDA, Bhadrachalam for trial and disposal, by order, dated 31-05-2007. It is stated that the appellate authority has not considered and disposed of the same and in the meanwhile the said shops were sought to be allotted in favour of the third parties.

4. Learned counsel appearing for the petitioner submits that if they succeed in the appeal and in the meanwhile if the said property is assigned to any third party, it would be difficult for the petitioner to evict them.

5. I am not inclined to express any opinion with regard to the genuineness of the claim of the petitioner or the 7th respondent, but however, as the appeal is pending before the 2nd respondent, 2nd respondent is directed to consider and dispose of the appeal as expeditiously as possible and pending disposal of the appeal, *status quo* obtaining as on today shall be maintained.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

_____

V.ESWARAIAH,J

26th July, 2007.

Note:

Furnish C.C. of the order within three days.

B/o

Tsy